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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

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12 STEPHANIE CROSSLEY TAYLOR,

13 Plaintiff,

14 v.

15 PUBLIC STORAGE,

16 Defendant.

17 CASE NO. C10-2103RSM

18 ORDER ON DEFENDANT'S MOTION
19 FOR CLARIFICATION

20 Defendant has requested clarification of language in the Court's September 6, 2012 Order
21 granting defendant's motion for summary judgment (Dkt. #91). Dkt. #93. In granting the motion, the
22 Court stated,

23 Plaintiff is bound by the limitations on liability set forth in her contract, such that her claims
24 of negligence and conversion are barred, and her damages on other claims are limited to
25 \$5,000 where appropriate. Plaintiff's claims of negligence, conversion, fraud, and intentional
26 infliction of emotional distress are DISMISSED.

27 Order, Dkt. #91, p. 11.

28 Defendant represents to the Court that the parties disagree as to whether the \$5000 limitation on
liability applies to all remaining claims. The Court hereby clarifies that the "as appropriate" language
was used to indicate that the \$5,000 limitation applies to all damages arising out of the contract,

ORDER - 1

1 including plaintiff's breach of contract claim and claim under the Washington Self-Storage Facilities
2 Act. However, the Court has not determined whether the limitation would also apply to plaintiff's claim
3 under the Washington Consumer Protection Act ("CPA"), should she prevail on that claim.¹ The
4 legality of a limitation of liability clause to claims under the CPA was neither briefed nor determined in
5 the summary judgment proceedings, and the Court declines to find, on the state of the record before it
6 now, that the limitation does (or does not) apply to plaintiff's CPA claim.

7 Defendant's motion for clarification is accordingly GRANTED IN PART and DENIED IN
8 PART.

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10 Dated this 17th day of October 2012.



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12 RICARDO S. MARTINEZ
13 UNITED STATES DISTRICT JUDGE
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25 ¹The Court has already ruled, in response to plaintiff's motion for summary judgment on her
26 CPA claim, that the claim failed because she had demonstrated neither an unfair or deceptive act or
27 practice, nor that defendant's acts affect the public interest. See, Order on Plaintiff's Motion for
Summary Judgment, Dkt. # 92, p. 14. However, denial of plaintiff's motion did not result in dismissal
of the claim at that time, as defendant did not file a cross-motion on this claim, and the Court did not
invoke the notice and response procedure set forth at Fed.R.Civ.P. 56(f)(1).